

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

ARTIE ARMOUR,
Plaintiff,

v.

LORIE DAVIS, et al.,
Defendants.

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CIVIL ACTION No. 6:18-cv-00535

JURY DEMANDED

**DEFENDANTS DAVIS, COLLIER, CATOE, RICHARDSON, AND COOPER'S
ORIGINAL ANSWER AND JURY DEMAND**

Defendants Lorie Davis, Bryan Collier, Jeffrey Catoe, Jeffery Richardson, and Patrick Cooper (“Defendants”) file their answer, denying the Plaintiff’s allegations. Pursuant to Rule 8(b) of the Federal Rules of Civil Procedure, Defendants Davis, Collier, Catoe, Richardson, and Cooper deny each and every allegation contained in Plaintiff’s Complaint. Defendants assert their entitlement to qualified, official, sovereign, and Eleventh Amendment immunity as they apply. Defendants also assert their affirmative defenses of statute of limitations and res judicata/collateral estoppel.

Defendants deny they performed any of the acts described by Plaintiff in his Amended Complaint.

Defendants deny that Plaintiff was deprived of any right, privilege, or immunity granted or secured by the Constitution and/or laws of the United States.

Defendants ask the Court to deny Plaintiff any and all relief demanded in his Amended Complaint, including damages, interest, or costs of any amount whatsoever.

Defendants assert that government officials acting in their official capacities are not “persons” within the meaning of 42 U.S.C. § 1983, and generally are not proper parties to a cause of action under the statute. Thus, Defendants Davis, Collier, Catoe, Richardson, and Cooper assert their entitlement

to Eleventh Amendment immunity, barring claims for monetary damages that may have been brought against them in their official capacity as state officials acting in their official capacity under § 1983.

Defendants assert that at all times relevant to the allegations against them, they acted in good faith and with a reasonable belief that their acts were in compliance with the laws and Constitution of the United States and hereby assert their entitlement to qualified immunity from suit for claims brought against them in their individual capacities.

Defendants assert that Plaintiff has failed to state a claim for which relief may be granted under 42 U.S.C. § 1983 or under any other statute, constitutional theory, or legal authority.

Defendants deny that the Plaintiff has properly complied with the Federal Rules of Civil Procedure in forming a class action lawsuit and should have class certification denied.

Defendants assert that if the Plaintiff has accrued three-strikes under The Prison Litigation Reform Act (PLRA) 28 U.S.C. § 1915(g), and as his suit does not fall within the exception of the provision, he is not entitled to proceed *in forma pauperis* in this case.

Defendants state the failure to fully and timely exhaust administrative remedies is a bar to a Plaintiff filing suit in the federal court pursuant to 42 U.S.C. section 1997e(a).

Defendants pray Plaintiff take nothing and that Defendants Davis, Collier, Catoe, Richardson, and Cooper be awarded their costs, and to have such other and further relief to which they may be justly entitled including reasonable attorney's fees.

Defendants demand a trial by jury.

Respectfully submitted.

KEN PAXTON

Attorney General of Texas

JEFFREY C. MATEER

First Assistant Attorney General

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SHANNA E. MOLINARE

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Chief, Law Enforcement Defense Division

/s/ Colin R. Wood

COLIN R. WOOD

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ATTORNEYS FOR DEFENDANTS

**DAVIS, COLLIER, CATOE,
RICHARDSON, AND COOPER**

NOTICE OF ELECTRONIC FILING

I, **COLIN R. WOOD**, Assistant Attorney General of Texas, do hereby certify that I have electronically submitted for filing a true copy of the above **Defendants Davis, Collier, Catoe, Richardson, and Cooper's Original Answer and Jury Demand** in accordance with the Electronic Case Files System of the Eastern District of Texas on June 13, 2019.

/s/ Colin R. Wood
COLIN R. WOOD
Assistant Attorney General

CERTIFICATE OF SERVICE

I, **COLIN R. WOOD**, Assistant Attorney General of Texas, certify that a true copy of the above **Defendants Davis, Collier, Catoe, Richardson, and Cooper's Original Answer and Jury Demand** has been served by placing it in United States Mail, postage prepaid, on June 13, 2019, addressed to:

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/s/ Colin R. Wood
COLIN R. WOOD
Assistant Attorney General